

REMARKS

Examiner Dollinger is thanked for the courtesies extended to applicants' representatives during the personal interview conducted on February 18, 2010. Applicants' separate record of the substance of that interview is incorporated into the following discussion.

Claims 1-3 and 5-22 are pending. Applicant proposes amendment of claims 6 and 7 in response to a rejection under 35 U.S.C. §112, second paragraph. Applicant also proposes amendment of Table 6 to correct inadvertent errors which were reported in the iron setting properties. A declaration is attached establishing that the changes do not constitute new matter. Entry of the amendments after final rejection is earnestly solicited.

Claims 6 and 7 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The claims have been amended to address the informalities noted by the Examiner. Favorable reconsideration of the rejection is earnestly solicited.

Claims 1-3, 5 and 8-22 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 and 7-22 of copending Application No. 11/345,952. This rejection should be considered moot. More specifically, a Terminal Disclaimer had been filed and was approved on August 20, 2009, according to the PAIR records of the USPTO.

Claims 1-3 and 5 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 6 of U.S. Patent No. 7,501,463. A Terminal Disclaimer is submitted herewith to overcome this rejection.

Claims 1-3, 5, 9, 10, 21 and 22 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3, 4, 7-13 and 18 of copending Application No. 10/592,393. A Terminal Disclaimer is submitted herewith in response to this rejection.

Claims 1-3, 5-9, 21 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Masuda et al. in view of Hochberg et al. This rejection is respectfully traversed.

On page 17 of the Office Action, the Examiner responds to the prior arguments by stating that the “Examiner has established a *prima facie* case of obviousness with a complete motivation statement for combining the references. Additionally, although the references appear to be from a different field of endeavor, they appear properly combinable since they ‘solve the same problem’, which is flame retardency.” Applicants had argued at the interview that the Examiner had failed to raise a *prima facie* rejection, primarily based upon the Examiner’s mischaracterization of the teachings of Hochberg et al. However, in order to expedite allowance of the application, applicants emphasize the unexpected results present in the present specification as well as in the attached Declaration. More specifically, the data provided in the specification, for example Table 6, regarding gloss, transparency and curl setting of the invention, establish unexpected results associated with the claimed invention over flame retardants commonly used for artificial hair.

At the interview, the Examiner requested additional data with a more direct comparison than that provided in the specification. Such data is reported in the attached Declaration.

Applicants note that the Interview Summary states that the independent claim needs to be amended to include the structure of claim 2 to be commensurate in scope with the showing of unexpected results. Independent claim 1, however, had already been amended to set forth the structure.

The remaining rejections set forth in the Office Action all rely upon the combination of Masuda et al. in view of Hochberg et al. further in view of various secondary references. As such, each of these rejections should be withdrawn for the same reasons discussed above. Each of these rejections is set forth as follows:

Claim 10 was rejected under 35 USC §103(a) as being unpatentable Masuda et al. in view of Hochberg et al. and further in view of Kishida et al. (item 15 of the Office Action);

Claims 11-13 and 16 were rejected under 35 USC §103(a) as being unpatentable Masuda et al. in view of Hochberg et al. and further in view of Park (item 19 of the Office Action);

Claims 11 and 14 were rejected under 35 USC §103(a) as being unpatentable Masuda et al. in view of Hochberg et al. and further in view of Kuraray (item 23 of Office Action);

Claim 15 was rejected under 35 USC §103(a) as being unpatentable Masuda et al. in view of Hochberg et al. and further in view of Kuraray and still in further view of Yokoe (item 27 of the Office Action); and

Claims 16-20 were rejected under 35 USC §103(a) as being unpatentable Masuda et al. in view of Hochberg et al. and further in view of Ogawa and still in further view of Mawatari et al. (item 31 of the Office Action).

Application No.: 10/565,744
Art Unit: 1796

Amendment under 37 CFR §1.116
Attorney Docket No.: 090746

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

As discussed at the interview, the applicant had English translations of JP 60-071713 and JP 62-170519 recently prepared (within the past two months) for the corresponding European application. These references were previously applied in rejections in the prior Office Action. Applicant submits a copy of these translations for the Examiner's further consideration.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachments: Terminal Disclaimer of 7,501,463
Terminal Disclaimer of 10/592,393
Translation of JP 60-071713
Translation of JP 62-170519
Declaration to support unexpected results
Declaration to support Table 6 amendments
New Table 6
Petition for Extension of Time

TABLE-6

		Comparative Example				
		1	2	3	4	5
Nozzle shape		Round	Round	Round	Round	Round
Size(dtex)		62	48	47	47	50
Amount of fiber treating agent attached(%omf)	KWC-Q	0.2	0.2	0.2	0.2	0.2
	KRE-103	0.2	0.2	0.2	0.2	0.2
Strength(cN/dtex)		2.2	2.0	1.9	2.9	2.8
Elongation(%)		68	63	42	52	47
Flame retardance	Flammability	Fair	Fair	Good	Very good	Very good
	Drip resistance	Bad	Bad	Bad	Very good	Very good
Gloss		Bad	Fair	Fair	Very good	Bad
Transparence		Fair	Fair	Fair	Bad	Fair
Devitrification resistance		Fair	Fair	Bad	Fair	Fair
Combing properties		Bad	Bad	Fair	Fair	Bad
Feeling	Stickiness reduction	Bad	Bad	Bad	Good	Bad
	Smooth feeling	Bad	Bad	Bad	Good	Bad
Surface roughness	Arithmetic mean roughness(μ m)	0.01	0.06	0.05	0.12	0.01
	Ten-point mean roughness(μ m)	0.1	0.4	0.4	0.5	0.4
Iron setting properties (180°C)	Adhesion	Bad	Bad	Bad	Good	Good
	Crimping/end breakage	Fair	Fair	Fair	Good	Good
	Rod out	Bad	Bad	Bad	Good	Good
	Holding properties	Good	Good	Good	Good	Good
Curl setting properties (110°C)		Fair	Fair	Fair	Fair	Fair